



मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 494]

भोपाल, बुधवार, दिनांक 7 दिसम्बर 2016—अग्रहायण 16, शक 1938

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 7 दिसम्बर 2016

क्र. 19213-292-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश माध्यस्थम अधिकरण (संशोधन) विधेयक, 2016 (क्रमांक 24 सन् 2016) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH BILL

No. 24 OF 2016

THE MADHYA PRADESH MADHYASTHAM ADHIKARAN (SANSHODHAN) VIDHEYAK, 2016.

A Bill further to amend the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983.

Be it enacted by the Madhya Pradesh Legislature in the sixty-seventh year of the Republic of India as follows :—

1. This Act may be called the Madhya Pradesh Madhyastham Adhikaran (Sanshodhan) Adhiniyam, 2016. Short title.

2. In Section 2 of the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983 (No. 29 of 1983), in sub-section (1), for clause (i), the following clause shall be substituted, Amendment of Section 2.
namely:—

- “(i) “works-contract” means an agreement in writing or a letter of intent or work order issued for the execution of any work relating to construction, repair or maintenance of any building or superstructure, dam, weir, canal, reservoir, tank, lake, road, well, bridge, culvert, factory, work-shop, powerhouse, transformer or such other works of the State Government or public undertakings or of the

Corporations of the State as the State Government may, by notification, specify in this behalf at any of its stages, entered into by the State Government or by any official of the State Government or by public undertakings or Corporation or by any official of the State Government for and on behalf of such Corporation or public undertakings and includes an agreement for supply of goods or material and all other matters relating to execution of any of the said works and also includes the services so hired for carrying out the aforesaid works and shall also include all concession agreement, so entered into by the State Government or public undertakings or Corporation, wherein a State support is involved or not;”.

STATEMENT OF OBJECTS AND REASONS

In Civil Writ Petition No. 6557/2013 M/s Jabalpur Corridor (India) Private Limited and another versus Madhya Pradesh Road Development Corporation Limited and others, the High Court of Madhya Pradesh in its order dated 4th December, 2013 has not regarded the concession agreement in the sense of works-contract, due to which dispute under a concession agreement is settled under the Arbitration and Conciliation Act, 1996 (No. 26 of 1996). Various departments and public undertakings are spending huge amount of money for payment of fees to arbitrators appointed under the said Act and for conducting meeting of the arbitrators. Also there is no uniform system for settlement of such disputes. Therefore, it is proposed to substitute the definition of ‘works-contract’ in the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983 (No. 29 of 1983) so that the “concession agreement” is included in the term “works-contract”.

2. Hence this Bill.

Bhopal :

Dated the 24th November, 2016

RAMPAL SINGH

Member-in-Charge.